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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Estate of VALERIE YOUNG, by VIOLA
YOUNG, as Administratrix of the
Estate of Valerie Young, and LORETTA
YOUNG LEE,

Plaintiffs,

-against-

STATE OF NEW YORK OFFICE OF MENTAL
RETARDATION AND DEVELOPMENTAL
DISABILITIES, PETER USCHAKOW,
personally and in his official
capacity, JAN WILLIAMSON, personally
and in her official capacity, SURESH
ARYA, personally and in his individual
capacity, KATHLEEN FERDINAND,
personally and in her official
capacity, GLORIA HAYES, personally
and in her official capacity,
DR. MILOS, personally and in his
official capacity,

Defendants.

- - - - -x

75 Morton Street
New York, New York

April 18, 2008
10:25 A.M.

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2 DEPOSITION of GLORIA HAYES, one of the
3 Defendants in the above-entitled action,
4 held at the above time and place, taken
5 before Gretchen A. Milton, a Shorthand
6 Reporter and Notary Public of the State of
7 New York, pursuant to the Federal Rules of
8 Civil Procedure, Notice and stipulations
9 between Counsel.

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12 * * *

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14

15 APPEARANCES:

16

17 CATAFAGO LAW FIRM, P.C.
18 Attorneys for Plaintiffs
350 Fifth Avenue
New York, New York 10118

19 BY: JACQUES CATAFAGO, ESQ.

20

21 STATE OF NEW YORK
22 OFFICE OF THE ATTORNEY GENERAL
ANDREW M. CUOMO
Attorneys for Defendants
23 120 Broadway
New York, New York 10271-0332

24

25 BY: JOSE L. VELEZ, ESQ.

1

2 APPEARANCES:

3 (Continued)

4

STATE OF NEW YORK

5 OFFICE OF MENTAL RETARDATION AND
DEVELOPMENTAL DISABILITIES

6 75 Morton Street
New York, New York 10014

7

BY: PATRICIA DELORY PAWLOWSKI, ESQ.

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1 GLORIA HAYES

2 A. 888 Fountain Avenue, Brooklyn,
3 New York 11208.

4 MR. VELEZ: Counsel and I had
5 discussion before we began this
6 morning related to document requests
7 made in prior depositions. You
8 requested handwritten notes from
9 Dr. Milos, if there were any, as well
10 as any handwritten notes from the
11 members of the mortality review
12 conference.

13 It is my understanding that there
14 are no handwritten notes that have
15 been found related to those requests.

16 Now, with respect to the BDC
17 policy, if any, that has been
18 developed pursuant to Judith Baer's
19 letter of November 2005, I have been
20 informed that there is no formal
21 procedure which has been put in place.
22 Instead each individual consumer is
23 treated on a case-by-case basis. Each
24 primary physician will put into effect
25 procedures regarding the treatment of

1 GLORIA HAYES

2 DVT individually. Those are medical
3 instructions left by the physician,
4 and they are the medical procedures
5 that will be followed with respect to
6 patients at risk of DVT.

7 MR. CATAFAGO: Thank you.

8 MR. VELEZ: You are welcome.

9 MR. CATAFAGO: Good morning,
10 Ms. Hayes.

11 THE WITNESS: Good morning.

12 MR. CATAFAGO: I'm going to ask
13 you some questions this morning. If
14 at any time you don't hear me, or if
15 you don't understand the question, let
16 me know. I will either rephrase or
17 repeat the question so it is clear to
18 you.

19 Unless you otherwise so state, I
20 am going to assume that you have heard
21 and that you understand the question.
22 I ask you to answer the questions to
23 the extent of your fullest present
24 recollection and ability, unless you
25 are directed otherwise by your

1 GLORIA HAYES

2 saw a memo that you had relating to

3 Valerie?

4 A. The last time I saw one was the

5 one I wrote instructing the staff on how

6 to deal with her.

7 Q. When was that?

8 A. That was in 2005.

9 Q. Where do you keep those records?

10 A. Where?

11 Q. Yes.

12 A. In my office.

13 Q. How voluminous or expansive is

14 that file?

15 A. Four or five pages -- probably

16 four or five pages.

17 Q. Can you have someone fax that

18 over to us?

19 MR. VELEZ: Are you asking about

20 memos?

21 All those memos ended up in

22 Valerie Young's file; right?

23 THE WITNESS: No. These were

24 memos that I personally wrote.

25 Q. You didn't put those into

1 GLORIA HAYES

2 Valerie's file?

3 A. No, no, no. I've got them.

4 MR. VELEZ: These are memos that
5 you wrote?

6 THE WITNESS: Yes.

7 MR. VELEZ: Who did you write
8 these memos to?

9 THE WITNESS: To the staff.

10 MR. VELEZ: What happened to
11 those memos when you distributed them
12 to the staff?

13 THE WITNESS: They were about
14 in-service training on how to deal
15 with her. Like, for instance, that
16 people had to go with her into the
17 bathroom.

18 MR. VELEZ: Are those records in
19 that ended up in the file?

20 MR. CATAFAGO: I am asking the
21 questions here.

22 Q. You never gave them -- whether or
23 not they ended up in the file --

24 MR. CATAFAGO: She was supposed
25 to supply all documents. They should

1 GLORIA HAYES

2 have been provided.

3 MR. VELEZ: That is correct. If
4 she writes a memo, that goes into
5 Valerie Young's records, and all that
6 has been produced, counsel.

7 MR. CATAFAGO: Mr. Velez, if they
8 were provided to you, if you have
9 already produced them, if you want to
10 say that, fine, but I don't believe
11 that's correct.

12 They have not been provided. If
13 you want to make that determination
14 and put it on the record, that's fine.
15 But she has now testified she has
16 documents that no one has produced.
17 As far as I understand it, she still
18 has them in her possession.

19 MR. VELEZ: No, that's not
20 correct. They have been provided to
21 you already. You have everything that
22 was in the file.

23 MR. CATAFAGO: They certainly
24 have been asked for. I asked for
25 every single document that was in the

1 GLORIA HAYES

2 possession of all defendants.

3 Q. You were asked to bring here
4 today every single document in your
5 possession.

6 A. I'm sorry. I didn't understand
7 that. I am sorry.

8 MR. VELEZ: There's a
9 misunderstanding here.

10 MR. CATAFAGO: Then let's
11 straighten this out.

12 Q. Did you produce them to your
13 attorneys?

14 A. Everything I had was sent over to
15 the director's office.

16 MR. VELEZ: Jan Williamson.

17 MR. CATAFAGO: Okay.

18 MR. VELEZ: So they were
19 provided.

20 Q. What exactly is meant by standing
21 orders to the staff?

22 A. It's only what I wrote...

23 Q. These three or four or five
24 pages, what was it that you wrote in those
25 three or four or five pages?

1 GLORIA HAYES

2 A. I don't remember. It wasn't
3 much. I only have what I wrote...
4 everyone has what they wrote. I have only
5 what I wrote...

6 MR. CATAFAGO: Your position is,
7 counsel, it was produced?

8 MR. VELEZ: That is correct.

9 Q. Do you have any special license
10 or licenses in connection with your job?

11 A. No.

12 Q. Have you ever testified before?

13 A. No.

14 Q. Following the death of Valerie
15 Young, did anyone ask you for any
16 information at all about her?

17 A. What sort of information?

18 Q. Like about her treatment and
19 care, did anybody ask you about that,
20 whether Judith Baer, or Jan Williamson, or
21 somebody from the Commission on Quality of
22 Care?

23 A. No.

24 Q. Or Peter Uschakow?

25 A. No.